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**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

STB Docket No. EP 705

COMPETITION IN THE RAILROAD INDUSTRY

**MOTION OF THE AMERICAN SHORT LINE AND REGIONAL
RAILROAD ASSOCIATION TO EXTEND PROCEDURAL SCHEDULE**

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January 26, 2011

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In its Notice of Public Hearing (“Notice”) served on January 11, 2011 the Surface Transportation Board (“Board”) announced that it would hold a public hearing on May 3, 2011 to explore the “current state of competition in the rail industry and possible policy alternatives to facilitate more competition, where appropriate.”¹

The American Short Line and Regional Railroad Association (“ASLRRA”), which represents approximately 458 Class II and Class III railroads in the United States, Canada and Mexico as well as approximately 900 suppliers and contractors to the short line and regional railroad industry, wishes to participate in the announced hearing. However, for the reasons identified below, ASLRRA requests that the Board extend the procedural schedule in this docket by ninety days until May 18, 2011 for the submission of Initial Comments. ASLRRA also requests a sixty day period after the Initial Comments are due for the submission of Reply Comments on or before July 18, 2011. Finally, ASLRRA requests a corresponding extension of the dates on which the designation of witnesses and submission of written testimony is due and the date on which the hearing will be held.

¹ 76 Fed. Reg. 2748

The deadlines for the submission of Comments and Reply Comments set forth in the Board's Decision in this docket fall immediately after the deadlines for the submission of written testimony in the significant upcoming hearing on Review of Commodity, Boxcar, and TOFC/COFC Exemptions.² In that docket ASLRRA also requested an extension of deadlines.³ The reasons ASLRRA seeks an extension in this docket are the same as those presented in the Exemptions docket, except they are magnified several fold here.

First, ASLRRA has concentrated its limited resources on analyzing and preparing its submission of testimony for the Exemption hearing and simply does not have the resources to prepare properly for two major hearings concurrently. Second, as already explained succinctly by the Association of American Railroads (AAR) in its own Motion to extend the procedural schedule in this docket, the state of competition in the rail industry is an enormously complex topic, critical not only to the small railroad industry, but to the entire national economy as well, and thus extending aggressive deadlines modestly to assure that testimony and comments are well considered and thoroughly vetted is not only reasonable, it is compelling.

ASLRRA has asked for a more liberal extension of deadlines than AAR because as ASLRRA explained in Exemptions docket, the membership of ASLRRA is both very large and extremely diverse, and soliciting and distilling the views of its many constituencies on an issue so fundamental to the very existence of the entire small railroad industry takes considerable time - significantly more time than the current schedule allows, and its limited financial and internal resources do not allow ASLRRA to forego the participation of its membership in the process of developing and preparing its submissions. Further, it is disingenuous to suggest that the scheduled hearing is somehow merely preliminary to some further unannounced proceeding, and

² Ex Parte 704

³ See Motion of the American Short Line and Regional Railroad Association to Extend Procedural Schedule, November 4, 2010.

ASLRRA need only provide cursory Comments. A matter so germane to the existence of the small railroad industry demands as serious and thoughtful submissions as ASLRRA is able to prepare with reasonable time to undertake the task, and for the reasons set forth above ASLRRA requests the Board to grant the ninety day extensions proposed in this Motion.

Respectfully submitted,

American Short Line and Regional Railroad Association

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